

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:94-HC-392-BR

UNITED STATES OF AMERICA

v.

STANLEY SLUPKOWSKI

ORDER

This matter is before the court on a motion filed by Stanley Slupkowski (“Slupkowski”) on 15 November 2010. Although the motion was filed as a part of Slupkowski’s civil commitment proceedings, it sets forth a new caption for the case, whereby Slupkowski names himself as Petitioner and names Dee Hammel, Trust Fund Officer for the Federal Medical Center of Rochester, as Respondent. The motion is entitled: “Motion for the District Court of Eastern District of North Carolina Shall Have [sic] Original Jurisdiction of any Action in the Nature of Mandamus to Compel an Officer or Employee of the United States or any Agency Thereof to Perform a Duty Owed to the Petitioner Under 28 USC 1361.” Pursuant to this motion, Slupkowski seeks to compel Dee Hammel to order suitable athletic shoes and work boots for him.

Slupkowski’s motion cannot be viewed as a challenge to his civil commitment. As a result, Slupkowski’s attempt to bring his motion in the context of the instant action is improper. He must file a separate action in the district where he is confined in order to pursue the relief that

he seeks. Therefore, the motion is DENIED WITHOUT PREJUDICE.

This 19 November 2010.



W. Earl Britt
Senior U.S. District Judge